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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

No. 2:20-cr-00254-CDS-EJY

Plaintiff

Stipulation for Dismissal Without Prejudice

VALENTINA ZEMLYAK,

Defendant

It is hereby stipulated and agreed, by and between JASON M. FRIERSON, United States Attorney, through JESSICA OLIVA, Assistant United States Attorney, and MARK AGOS, ESQ., counsel for defendant VALENTINA ZEMLYAK, that the indictment be dismissed without prejudice as to defendant VALENTINA ZEMLYAK only and the trial date above-captioned matter, currently scheduled for August 21, 2023, at 9:00 a.m., be vacated.

This Stipulation is entered into for the following reasons:

1. On August 1, 2023, defendant's co-defendant, Oganes Berberyan, pleaded guilty and the Court set his sentencing hearing for November 3, 2023. As a part of that negotiation, the government has agreed to move to dismiss the indictment as to defendant provided that Mr. Berberyan honors his plea agreement and is sentenced in accord with it.

1 2. Defendant is currently scheduled to be tried on the indictment beginning on
2 August 21, 2023 at 9:00 a.m.

3 3. Under Federal Rule of Criminal Procedure 48(a), the government requests that the
4 Court enter an order dismissing without prejudice the indictment as to defendant only. It further
5 requests that such dismissal be considered with prejudice upon Mr. Berberyan being sentenced
6 and his conviction becoming final after expiration of the time to file a direct appeal or any post-
7 conviction remedies under 28 U.S.C. § 2255(f).

8 4. Defendant agrees with and joins the government's request upon the terms
9 described in this paragraph and agrees as follows: In consideration of the government seeking
10 dismissal of the indictment prior to Mr. Berberyan's sentencing, defendant, after having fully
11 consulted with her defense counsel, agrees that, in the event of her codefendant, Mr. Berberyan:
12 failing to abide by the terms of his plea agreement; moving to withdraw his plea; or failing to
13 proceed to and complete sentencing in accord with his plea agreement, the government is
14 entitled to refile the indictment as an information as to defendant and proceed to trial.
15 Accordingly, defendant knowingly and intelligently waives any right to challenge or oppose the
16 filing of a conforming information, including, but not limited to, any statutes of limitation, any
17 right to have the indictment or an information returned by a grand jury, any rights under the
18 Speedy Trial Act, any constitutional right to a speedy trial, and any other claims to have been
19 prejudiced in the delay of her trial occasioned by this dismissal.

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5. This request is made in good faith and not for purposes of delay. The parties submit that dismissal without prejudice upon the terms described above will further judicial economy and an efficient disposition of defendant and her co-defendant's cases.

Dated this 1st day of August, 2023.

JASON M. FRIERSON
United States Attorney

~~MARK GERAGOS, ESQ.
Counsel to Defendant Zemlyak~~

JESSICA OLIVA
Assistant United States Attorney

VALENTINA ZEMLYAK

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

No. 2:20-cr-00254-CDS-EJY

Plaintiff

V.

VALENTINA ZEMLYAK,

ORDER

Defendant

Based on the pending stipulation of counsel, and good cause appearing therefore, the court orders that:

IT IS ORDERED that the indictment in *United States v. Valentina Zemlyak*, case no. 2:20-cr-00254-CDS-EJY, is hereby dismissed without prejudice as to defendant Valentina Zemlyak only with such dismissal to become with prejudice upon the terms described in the parties' stipulation. Should any of the relevant conditions described in the parties' stipulation arise, the government is granted leave to file a conforming information and have the matter reset for trial.

IT IS FURTHER ORDERED that the trial previously scheduled for August 21,2023 at 9:00 a.m. is vacated.

Dated: August 1, 2023

HON. CRISTINA D. SILVA
U.S. DISTRICT JUDGE